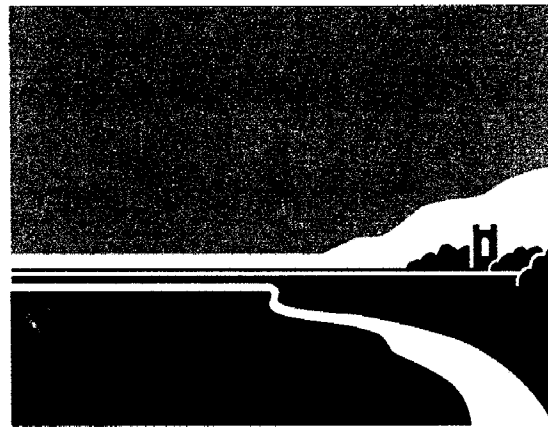


Parish Council Development Factsheet: Standards



**NORTH
NORFOLK
DISTRICT COUNCIL**

December 2013

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Useful Contacts

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Role of the Councillors and the Clerk

Councillors

- Are accountable to the electorate (not the Monitoring Officer or Clerk)
- Determine council policy
- Provide leadership in the community
- Monitor and review the performance of the Council and its Clerk
- Represent the Council Externally
- Act as advocates for the Community
- CAN'T undertake statutory functions on behalf of the Council

The Clerk

- Is accountable to the Parish Council as his or her employer (not to any individual councillors or the electorate)
- Roles and responsibilities are defined by the Council as the employer through contract of employment and standing orders
- Give advice and guidance to Councillors to support them delivering their role
- Implement the policies, procedures and recommendations of the Council
- To act as the "proper officer" responsible for the financial affairs of the Council
- Receive and report on Correspondence to the Council

What should Councillors Expect from the Clerk?

- **To be committed to the council:** to commit to the role assigned to them and offer assistance to councillors wherever possible.
- **A timely response:** to respond to councillors and members of the public within a reasonable timeframe.
- **To understand councillor workloads**
- **Sensitivity to the local political and public environment:** to maintain an unbiased and fair attitude to work and individuals.
- **Application of the Nolan Principles¹**
- **Training and Development Opportunities:** to provide councillors with opportunities for growth and development in their role, wherever possible.
- **No personal issues raised:** to maintain a professional working relationship at all times.

What can the Clerk expect from Councillors?

- **A working partnership:** to work together in an effective manner for the benefit of the parish
- **Respect for workloads and pressures on the officer**
- **Leadership and Direction:** to provide direction with tasks and job requirements, potentially through the governance framework.
- **Application of the Nolan Principles**
- **Not to be bullied or placed under undue pressure:** for councillors to maintain reasonable expectations of work capacity and to act in a respectful manner.
- **Not to have Councillors advance personal issues:** to maintain a professional working relationship at all times.

¹ See Page 10

Role of the chairman

Legal duty – regulate conduct of the meeting and preserve order

Key Duties:

- Ensure matters on the Agenda are addressed
- Ensure there are clear conclusions on matters
- Uphold standing orders – e.g. are motions in order
- Clerk may be required to consult with the Chair on functions delegated to the Clerk
- Undertake other duties as required by standing orders (e.g. review draft minutes)

A Good Chairman:

- Is impartial in chairing – even though they may have their own views
- Keeps an eye out for repetitive and irrelevant debate – and stops things going round in circles
- Summarises debates and draws together the decision
- Ensures that all feel they are able to contribute without drawing into lengthy debate
- Stops debate descending into personal or rude comments
- Keeps business moving without getting side tracked
- Knows the Council's limits, acts as a community leader and sets the example

The Parish Governance Framework

- Parishes should have a governance framework to manage the conduct of their affairs
- The framework is approved and monitored by the Parish, Clerk ensures they are up to date and advises on them.
- Usually Parishes review the elements of the framework annually as part of annual reporting process:
 - Standing Orders
 - Clear terms of reference for Committees and Sub-Committees
 - Procedures for inspection of documents and public access to meetings
 - Code of Conduct for Councillors
 - Contract with the Clerk
 - Arrangements for handling Freedom of Information Requests
 - Complaints Handling Process (for complaints against the Council)

Public Participation

- Public do not have the right to speak at Parish Council meetings
- Good practice to set boundaries on public speaking – how long can one person speak for? When can they speak?
- Do you want to restrict the public to the agenda items?
- Do you want to debate public issues or just answer questions?
- Explain what your boundaries for action are

Who holds Parishes to account?

- A Parish is a sovereign, independent body not supervised or regulated by District or County – District has limited role to step in (where parish cannot appoint sufficient Councillors)
- Parish should have its own complaints resolution process
- Required to have at least an annual internal audit
- Required to have external audit review of the accounts
- Councillors can request additional oversight to obtain assurance over arrangements

**Ultimately, parish councils are accountable
TO THE ELECTORATE**

Filling vacancies on Parish Councils:

- When a vacancy occurs on a Parish council, there are a number of options that are open to Parishes to fill this vacancy.
- Full explanation of the process can also be found in the Local Elections (Parishes and Communities) (England and Wales) Rules 2006 legislation.
- The Parish Council **must** advertise the vacancy in a conspicuous place and also send a copy of the notice to the Electoral Services team at NNDC.
- The Parish may also advertise the vacancy in any other way they wish.
- This notice must be displayed for 14 working days from the date of notice.
- During the 14 days of the notice being published, if 10 individuals within the parish call for an election (eg a letter with 10 signatories), an election will be deemed to be held. This request would need to be made in writing to the Returning Officer who will then decide the date of the election within 60 days of the notice being received.
- If an election is not called for, the Parish then has powers to co-opt members onto the council following the 14 days' notice and as soon as is practicably possible.
- If the number of vacancies leaves the parish without a quorum (1/3 of the total number of parish councillors allocated to a parish, or 3; whichever is larger), then the district can call for another election and in the meantime can fill the posts themselves. They must still meet the qualification requirements.
- It should be emphasised the whole process should be transparent and fair.

Standards and the Code of Conduct

Localism Act 2011

- Swept away previous Standards regime.
- It kept a duty to have a code of conduct, based upon the Nolan Principles.
- Choice as to whether to have standards committee
- New declarations of interests rules (DPIs and Other Interests)
- Introduced "Independent Person"
- Parish cases assessed and / or investigated by District
- Decisions returned to parish to make. The District can only make recommendations which the Parish then decides upon; the District has no power of enforcement.

Purpose of standards system is to:

- Promote and maintain high standards of ethics and conduct
 - Provide "Light Touch" enforcement arrangements
 - Apply all sanctions at local level ("Localism")

The Independent Person

- Not a member or officer of the authority; acts as a consultant but goes through full shortlisting and interviewing process at the district. They liaise mainly with the Monitoring Officer, providing opinions on cases.
- Has not been a member of the authority in last five years.
- Their view must be sought on cases where investigation has taken place
- Their view can also be sought by subject member
- May be used as agreed in any other role

Legal duty to comply with and uphold the Nolan Principles:

- **Selflessness** – Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- **Integrity** – Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- **Objectivity** – In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- **Accountability** – Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness** – Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- **Honesty** – Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- **Leadership** – Holders of public office should promote and support these principles by leadership and example.

What does this mean in practice?

Don't hold yourself accountable to other parties, including family and friends

Declare any interests you have (see next page)

Make clear you are prepared to listen and take views into account – even if you subsequently disagree

Declaring Interests

Two types:

- ***Pecuniary*** – financial interests (DPI – “discosable pecuniary interest”)
- ***Other*** – non-financial interests

“Pecuniary” – financial interests (DPI – “disclosable pecuniary interest”)

- If you earn money from it, if you own it, if your spouse owns or earns money from it
- If you have a pecuniary interest, don’t discuss or vote on the item – standing orders may require you to leave the room.

“Other Interests” – non-financial interests

- This is about being open and transparent
- Something which the public may perceive may affect your judgement but isn’t a financial interest
- If you have an other interest, declare it as an “other”, then you may still participate or vote
- If you believe it is very significant, you may decide you do not want to take part as a personal choice

Other Information:

- Make sure you complete the declaration of interest form
- Make sure you update it if you become aware of anything new
- A list of the interests should be on your parish website – or a link to NNDC website
- Make sure you declare your interests appropriately at the meeting
- If you want to vote and have a DPI the Parish Council itself can give you a dispensation

Going above and beyond the minimum:

Above all- the Code places a duty to be open and transparent- if you’re not sure- declare it!

Complaints:

- Complaints against individual Councillors should first be referred to the NNDC Monitoring Officer.
- The Monitoring Officer deals with all complaints relating to Standards issues at District and Parish level.
- Complaints against Parish Councils as an entity or body will not be considered. Complaints have to be made against **individuals**.
- It is for the Monitoring Officer to decide how to progress such complaints – although would normally consult with the parish, through the Clerk.
- Complainants and subjects do not and will not influence or steer the process.
- The Monitoring Officer can only make recommendations to the Parish Council for action; the District Council has no enforcement powers regarding disciplinary procedures.

Our priority is twofold:

- To take action to address the most serious breaches of the code (e.g. failure to declare a financial interest (DPI)).
- To ensure Parish Councillors are working together effectively for the benefit of their residents.

Pre- Determination:

- Pre-determination is the appearance of a closed mind
- You are entitled to be predisposed to favour particular views
- It is vital you are fair and open-minded at the time of the decision – and appear to be so
- Just because a decision is wrong, it does not necessarily mean the decision maker was biased
- If you have a pecuniary interest it is presumed you are likely to be biased
- May a fair-minded and well-informed observer conclude there is a real possibility you may be biased?
- If you are predetermined, it could invalidate a parish council decision!

Useful Documents:

Arrangements for dealing with standards allegations under the Localism Act 2011:

A useful document which provides a good overview of Standards in its current form.
<http://www.nelincs.gov.uk/council/councillors-democracy-elections/standards/arrangements-standards-allegations/>

Practical advice for organisations on dealing with Freedom of Information and Data Protection requests:

http://www.ico.org.uk/for_organisations/freedom_of_information
-Freedom of Information

http://www.ico.org.uk/for_organisations/data_protection
-Data Protection

Making councils more transparent and accountable to local people:

A guide by the Government
<https://www.gov.uk/government/policies/making-local-councils-more-transparent-and-accountable-to-local-people>